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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR,
Case No. BK-S-06-10726-LBR,¹
Case No. BK-S-06-10727-LBR,
Case No. BK-S-06-10728-LBR,²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Stipulation re Proof of Claims Filed by
Blair E. Roach and Barbara K. Roach
and Withdrawal of Objection**

Hearing Date: October 19, 2009
Hearing Time 3:00 p.m.

USACM Liquidating Trust (the "USACM Trust"), by and through its counsel,
Lewis and Roca LLP, and Blair E. Roach and Barbara K. Roach ("Roach"), represent to
the Court as follows:

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007

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L A W Y E R S

1 1. Blair E. Roach and Barbara K. Roach filed proof of claim No. 10725-02293
2 in the amount of \$7,000.00 on January 12, 2007. Pursuant to an order of the court, dated
3 June 26, 2007 [DE 4057], the claim was reclassified as unsecured.

4 2. Blair E. Roach and Barbara K. Roach filed proof of claim No. 10725-02294
5 on January 12, 2007, in the amount of \$100,000 secured and \$100,000 priority. Pursuant
6 to an order of the court dated May 19, 2008 [DE 6401] the claim was reclassified as an
7 unsecured claim in the amount of \$200,000.

8 3. Roach have agreed to stipulate to the disallowance of the \$7,000 claim no.
9 10725-02293 in its entirety.

10 4. The Nineteenth Omnibus Objection of USACM Liquidating Trust to Double
11 Counted Proofs of claim [DE 7531] included an objection to Roach claim 10725-002294
12 and requested that the double counted portion of the claim, \$100,000, be disallowed and
13 the claim be reduced to \$100,000.

14 5. Barbara Roach contacted counsel for the Trustee and advised counsel that
15 the proof of claim was based upon a \$100,000 investment in Margarita Annex and a
16 \$100,000 for Placer Vineyards and therefore they intended to make a claim for \$200,000.

17 6. At Barbara Roach's request, the Trust has agreed to withdraw its objection
18 to proof of claim No. 10725-02294 subject to objection at a later date.

19 7. Accordingly, the Trust and Roachs stipulate and agree:

- 20 • Proof of claim No. 10725-02293 may be disallowed in its entirety;
- 21 • The Trust withdraws its objection to double counted claim [DE 7531]
22 as it applies to Proof of claim No. 10725-02294 only. The remainder
23 of that objection should remain on the Court's calendar for hearing on
24 October 19, 2009.

OCT-07-2009 12:11 From:

To: Lewis and Roca LLP P.5/5

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- Proof of claim No. 10725-02294 will be counted as a proof of claim for \$200,000, \$100,000 of which was based upon the Margarita Annex Loan and the other \$100,000 based upon the Placer Vineyards Loan. Proof of claim No. 10725-02294 remains subject to further objection.

LEWIS AND ROCA LLP

BLAIR E. ROACH
BARBARA K. ROACH

By: s/John Hinderaker
Rob Charles NV (#6593)
John Hinderaker (AZ 18024
pro hac vice)
Attorneys for USACM Liquidating

Blair E. Roach
By: s/ Blair E. Roach

Trust

Barbara K. Roach
By: s/ Barbara K. Roach

DATED: October 6, 2009

P.O. Box 1238
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DATED: ~~by~~ September 7, 2009.
October